

and re-marked under the supervision of this department so as to conform in all respects to Government regulations; that claimant pay all costs of the proceedings, and that the inedible portion be destroyed, or disposed of in accordance with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

19847. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11362-A. F. & D. No. 28468.)

This case involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter provided by Congress.

On June 28, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 tubs of butter, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N. Y., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article had been offered for sale under the distinctive name of butter, whereas it was not butter, since it contained less than 80 per cent of butterfat, the standard provided by law.

The Great Atlantic & Pacific Tea Co., interposed a claim for the product, as agent for the Hopkinton Creamery Co., Hopkinton, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 6, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned that it be reworked so that it comply with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

19848. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (10015-A. F. & D. No. 28297.)

Arsenic and lead were found on samples of apples taken from the interstate shipment involved in this action.

On May 9, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the Wells & Wade Fruit Co. from Wenatchee, Wash., to Baltimore, Md., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wells & Wade Fruit Co. Twin WW Brand, Wenatchee, Washington, Fancy Winesaps."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On May 16, 1932, the Wells & Wade Fruit Co., Wenatchee, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for sorting or reconditioning, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act and all other laws. The bond further provided that any portion of the product found adulterated after sorting and reconditioning be destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19849. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10351-A. F. & D. No. 28287.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.